

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

GREAT AMERICAN INSURANCE COMPANY OF NEW YORK PLAINTIFF/COUNTER DEFENDANT

V. CIVIL ACTION NO. 1:06cv97-LTS-RHW
(CONSOLIDATED WITH CIVIL ACTION NO. 1:06cv412-LTS-RHW)

LOWRY DEVELOPMENT, LLC DEFENDANT/COUNTER CLAIMANT
CRUMP INSURANCE SERVICES OF MEMPHIS, INC. THIRD PARTY DEFENDANT
GROVES & ASSOCIATES INSURANCE, INC. THIRD PARTY DEFENDANT

ORDER

Defendant/Counter Claimant Lowry Development, LLC (Lowry) moves [104] for relief from the Court’s [93] Order for Mediation. All other parties join this request [105] [107] [108]. While the parties did not timely avail themselves of the option afforded in [93] for private mediation, they have determined that the complexity of the issues warrants a longer period of discussion far beyond the time allocated in [93]. They “have allocated at least an eight (8) hour day for mediation and longer if required.” The Court is also assured by the parties that they will comply with all other aspects of [93]. To the extent that the parties seek otherwise to be excused from the Court’s mediation order, such relief will not be allowed.

Accordingly, IT IS ORDERED:

Lowry's [104] Motion to Excuse the Parties from the Court's [93] Order for Mediation is **GRANTED IN PART** and **DENIED IN PART**. The parties' request shall be treated as notice that they wish to pursue the alternative of private mediation, and under the circumstances presented, they have established good cause in this regard. However, the [93] mediation order remains in full force and effect in all other respects, including but not limited to good faith participation, the deadline for holding the private mediation, and the attendant reporting requirements.

SO ORDERED this the 1st day of March, 2007.

s/L. T. Senter, Jr.
L. T. Senter, Jr.
Senior Judge